



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 3 May 2004*

Time: *6.00pm*

Outline Of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Delegated Authority (“D” Items):

- To require such investigations, reports or actions as considered necessary in respect of matters contained with the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of Minutes of its Meeting.
- Any other matter falling within the responsibility of the Urban Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed below:

Recommendation only to the Full Council (“R” Items):

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Broad strategic matters, such as:-
 - Town Planning Objectives; and
 - major planning initiatives.
- Matters not within the specified functions of the Committee.
- Matters requiring supplementary votes to Budget.
- Urban Design Plans and Guidelines.
- Local Environment Plans.
- Residential and Commercial Development Control Plans.
- Rezoning applications.
- Heritage Conservation Controls.
- Traffic Management and Planning (Policy) and Approvals.
- Commercial Centres Beautification Plans of Management.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters reserved by individual Councillors, in accordance with any Council policy on "safeguards" and substantive changes.

Committee Membership:

7 Councillors

Quorum:

The quorum for a committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

29 April 2004

To: The Mayor, Councillor Rundle, ex-officio
Councillor David Shoebridge (Chair)
Anthony Boskovitz
John Comino
Christopher Dawson
Keri Huxley
Julian Martin
Isabelle Shapiro

Dear Councillors

Urban Planning Committee Meeting – 3 May 2004

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Urban Planning Committee** to be held in the **Committee Room, 536 New South Head Road, Double Bay, on Monday 3 May 2004 at 6.00pm.**

Gary James
General Manager

Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Late Correspondence	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Election of Deputy Chairperson	1
D2	Confirmation of Minutes of Meeting held on 22 March 2004	2

Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Draft Woollahra Local Environmental Plan 1995 (Amendment No. 39) – Acid Sulfate Soils – 1064.G (Amend 39)	3
----	---	---

Item No: D1 Delegated to Committee
Subject: Election of Deputy Chairperson
Author: Les Windle - Manager Governance
File No:
Reason for Report: For the Committee to elect a Deputy Chairperson

Recommendation:

That Councillor _____ be elected as Deputy Chairperson of the Community & Environment Committee to September 2004.

Background:

It has been past practice for the Committee to elect a Deputy Chairperson who can chair the meeting in the absence of the Chairperson.

Les Windle
Manager Governance

ANNEXURES:

Nil

Item No: D2 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 22 March 2004**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 22 March 2004 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Urban Planning Committee Meeting of 22 March 2004 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **Draft Woollahra Local Environmental Plan 1995 (Amendment No. 39) - Acid Sulfate Soils**
Author: George Losonci - Senior Strategic Planner
File No: 1064.G (Amend 39)
Reason for Report: To respond to a Council decision that the draft LEP be presented to Council prior to its exhibition.

Recommendation:

THAT Draft Woollahra Local Environmental Plan 1995 (Amendment No. 39) as contained in **Annexure 2** of the report to the Urban Planning Committee meeting on 3 May 2004 and the accompanying map, be exhibited in the manner required by the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

1. BACKGROUND

On 24 February 2003, the Urban Planning Committee considered a report regarding the preparation of a draft LEP to address the issue of potential acid sulfate soils (**Annexure 1**).

Council, at its meeting on 10 March 2003, resolved the following:

1. *THAT Council resolve to prepare a draft LEP pursuant to section 54 of the Environmental Planning and Assessment Act 1979 to address the issue of potentially acid sulfate soils within the Municipality of Woollahra.*
2. *That the draft LEP be presented to Council prior to exhibition.*

2. DRAFT WOOLLAHRA LEP 1995 (AMENDMENT No. 39)

In response to part 2 of Council's resolution, Draft Woollahra LEP 1995 (Amendment No. 39) comprising a written instrument and map has been prepared (**Annexure 2**) and is presented to Council prior to its exhibition. The map accompanying the plan has been reduced to A3 size for reporting purposes only. The map accompanying the draft LEP is AO sized. It will be presented at the Committee meeting and form part of the formal exhibition of the Draft LEP.

2.1 Draft LEP (Amendment No. 39) acid sulfate soils planning map

The Acid Sulfate Soils (ASS) Risk Map identifies land that may contain potential acid sulfate soils. It establishes 5 classes of land based on the probability of ASS being present (Class 1 being the most likely and Class 5 being the least likely). Due to the topography of the Woollahra local government area (LGA) only limited areas of Class 1 and 2 land exists, with these areas being located near the coastline and along coastal creek systems. The majority of land within Woollahra LGA falls within the Class 5 classification, indicating ASS are not likely to exist in these areas.

The Draft LEP map has been prepared using the ASS Risk Maps provided by the Department of Land and Water Conservation (DLWC). The Draft LEP map applies to the entire Woollahra Municipality and identifies all land by allotment boundaries and street number to enable accurate determination of the extent to which properties may be affected by acid sulfate soils.

2.2 Draft LEP (Amendment No. 39) written instrument

A model LEP with standard acid sulfate soils provisions was issued in 1998 as part of the ASS Manual. It was intended that the model LEP would be used as a guide for councils in preparing their amending LEP. Since that time, a number of councils have prepared draft LEPs with acid sulfate soils provisions and those instruments have been gazetted. Consequently, a refined set of acid sulfate soils provisions redrafted by the Department of Infrastructure Planning and Natural Resources' legal drafting section has been produced.

The Woollahra Draft LEP (written instrument) has been prepared using the original model LEP and recently gazetted amending LEPs.

The Draft LEP proposes the following amendments:

1. Amendment to clause 25 of Woollahra LEP 1995 (exempt and complying development). This amendment will have the effect of excluding development that triggers consideration under the acid sulfate soils provisions from the category of exempt development (being development that does not require consent or approval).

An amendment to the Exempt and Complying Development Control Plan relating to acid sulfate soils is being prepared. The amending DCP will be presented to a meeting of the Urban Planning Committee in June.

2. New clause 25D – Development on land identified on Acid Sulfate Soils Planning Map. The new clause contains:
 - definitions;
 - a schedule of works within land classifications (class 1 to 5) that trigger acid sulfate land consideration;
 - matters that the Council must consider before granting a consent for works listed in the schedule;
 - exemption from the considerations where a preliminary soil assessment verifies that works do not need to be carried out in the manner required by an acid sulfate soils management plan; and
 - provisions allowing routine maintenance works and emergency works by the Council, a public authority or private drainage board.
3. Amendment to *State Environmental Planning Policy No. 4 – Development Without Consent and Miscellaneous Exempt and Complying Development*. This amendment will have the effect of excluding development that triggers consideration under the acid sulfate soils provisions under Woollahra LEP 1995 from the development without consent and exempt and complying development provisions of SEPP No. 4.

3. EXHIBITION AND CONSULTATION

3.1 Section 62 consultation

As part of the draft LEP process, section 62 of the *Environmental Planning and Assessment Act 1979* (the Act) requires that the Council carry out consultation with those public authorities and bodies that, in the Council's opinion, will or may be affected by the draft LEP. Section 62 also requires that the Council consult with the adjoining council, where the draft LEP applies to land on a local government boundary.

Consultation was undertaken with the following authorities:

- Department of Infrastructure, Planning and Natural Resources
- Waverley Council
- City of Sydney Council (southern Sydney region and city region)
- Waterways Authority

The City of Sydney Council and Waverley Council have advised that they have no objection to the preparation of the Draft LEP. The City of Sydney Council is currently preparing a similar draft LEP and has requested that further consultation be maintained during the progression of this project to ensure consistency of provisions within the respective draft plans.

Consistency with LEPs from other councils will be maintained as the draft LEP has been based on recently gazetted LEPs, the model LEP contained within the ASS Manual, and the ASS Risk Maps.

No other submissions were received.

3.2 Public exhibition

Exhibition of the draft LEP will be undertaken in the manner set down in the Act and the *Environmental Planning and Assessment Regulation 2000* (the Regulation). This will include notices in the Wentworth Courier and further consultation with public authorities.

Together with the AO sized municipal-wide Draft LEP map, the exhibition material will include a series of A3 maps at a scale which will show property details (including lot and deposited plan numbers) for easier interpretation. In addition, the Draft LEP will be available for viewing on Council's website.

An information brochure that outlines the type of development and work that may trigger the need for ASS assessment is being prepared. The Council's DA Guide, which provides assistance with the preparation and lodgement of DA's, has been amended to refer to acid sulfate soils. The information brochure and DA Guide will raise awareness of this issue and ensure early consideration of the matter in the preparation of development applications. It is also proposed to prepare an internal procedure manual to ensure the consistent use of the planning provisions relating to ASS.

Following the exhibition, a report addressing all submissions and recommending further action will be presented to the Urban Planning Committee.

4. IDENTIFICATION OF INCOME & EXPENDITURE

There are no budgetary implications. All costs associated with the preparation and exhibition of the Draft LEP are accounted for in the 2003/2004 budget.

5. CONCLUSION

Council has an obligation to prepare an amending LEP that addresses the issue of potentially acid sulfate soils. The Draft LEP utilises the model LEP contained in the Acid Sulfate Soil Manual and Guidelines prepared by the State Government and the most recent gazetted acid sulfate soil-related LEPs. The preparation of the Draft LEP and internal procedures manual will ensure that Council meets its legal obligations and addresses ASS in an appropriate and consistent manner.

George Losonci
Senior Strategic Planner

Anita Lakeland
Team Leader
Strategic Planning

Chris Bluett
Manager
Strategic Planning

Annexures:

1. Report to Urban Planning Committee meeting of 24 February 2003.
2. Draft Woollahra Local Environmental Plan 1995 (Amendment No. 39).